

## **CITY OF HAPPY VALLEY**

# CITY COUNCIL MEETING DECEMBER 1, 2015

## **DRAFT MINUTES**

**City Hall Council Chamber** 

**Regular Session** 

7:00 PM

## 16000 SE MISTY DRIVE HAPPY VALLEY, OR 97086

## I. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Lori DeRemer	Mayor	Present	
Michael Morrow	Council President	Present	
Markley Drake	Councilor	Present	
Brett Sherman	Councilor	Present	
Tom Ellis	Councilor	Present	

## II. APPEARANCE OF INTERESTED CITIZENS

#### III. CONSENT AGENDA

1. Mayor and City Council - Regular Session - Nov 17, 2015 7:00 PM

## IV. RESOLUTIONS

Resolution 15-23 - Happy Valley/Damascus Settlement Agreement
 Mr. Tuck explained the reason for the settlement agreement.

Motion:

Council President Morrow made a motion to adopt Resolution 15-23.

Councilor Sherman seconded the motion.

Ayes - all (Requested by Jason Tuck, Administration)

## V. PUBLIC HEARING

1. Ordinance 482 - Scouters Mountain PUD

Mayor DeRemer opened the Public Hearing and read the Hearing Script into the record.

Statements of Bias, Conflict of Interest:

Councilor Ellis:

- Lives in Jackson Hills
- Received email on an informational flyer given out
- Plans to participate in the hearing

Councilor Sherman:

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- Conversations with David Emani and Steve Sonk who live in that area
- Plans to participate in the hearing

Council President Morrow:

- Email correspondence with Annette Talbert, Patrick Delesaga, Jim Jordan, Jeff Hamlin
- Telephone conversation with Scott Pendarvis
- Plans to participate in the hearing

Challenges:

None

Staff Report:

Steve Koper, Planning Services Manager, delivered the Staff Report including these specific points:

- Introduced Project Team Chris Crean, Michael Walter, Reah Flisakowski, Jason Tuck, Shawn Olson
- Housekeeping items:
- Additional testimony has been provided concerning the securing and installing of street trees
- History of development application:
- o First UGB expansion in 1992
- o East Happy Valley Comprehensive Plan developed
- Provided regulatory framework for 2100 acres from SE Foster to Scouters Mountain and covering the entire butte and scout camp properties
- o Proposed 600 lot Planned Unit Development (PUD) has steep slope overlay; environmental overlay
- Various developers have tried to look at this property in the past and had plans with higher density
- This application is for 223 acres and 600 dwelling units (3 per acre)
- Higher density proposed on the flatter areas
- Lower density proposed on the constrained areas
- o Includes natural open space tracts
- o 90 Acres of open space
- o In the overall butte area about 200 Acres have been preserved
- Project Location (aerial view)
- Vradenburg Road planned collector but in present state not improved
- Proposed project development Transportation System Plan
- Gates for pedestrian and bike access
- Reviewed street designations
- Wildlife circulation plan
- Crosswalk has been added

Clarification questions by Council to Staff:

Councilor Sherman:

- Concerning wildlife greenspace connection does the proposal include connecting the trail from tract c to the existing trail connection
- Answer a 30' wide trail being proposed is at a better location and further information on this will be presented by the applicant

Correspondence

Council has received all correspondence to date.

Mayor DeRemer opened the Public Testimony portion of the Hearing.

Testimony by Applicant:

Michael Robinson

Perkins Coie 1120 NW Couch Portland, OR

Chris Goodell AKS Engineering 12965 SW Herman Tualatin, OR

(Mr. Robinson and Mr. Goodell sat at presentation table together)

#### Chris Goodell:

- Slide Show presented
- Geotechnical review
- Traffic Analysis
- Natural Resource services
- 90 Acres of open space
- 5 existing homes are being preserved
- 600 lot PUD
- Zoned for residential use
- Application includes a variety of open space attractions
- Trail network connections to existing trails
- 3 acres new wildlife habitat
- Planting of native trees and shrubs
- Golda's Kitchen to become a community center
- Emergency vehicle access plan

## Mike Robinson:

- In the context of what is being done the burden of proof has been met
- Unanimous recommendation by Planning Commission
- Recommendation by staff
- Proposal is based upon years of planning not just the East Happy Valley Comprehensive Plan (EHVCP) but the Transportation System Plan (TSP) as well
- Entirely single family
- Not isolated subdivisions
- Places to gather play, picnic
- 3 dwelling units to the acre
- · Not high density residential
- Riparian and steep slopes will not be developed
- Transportation study all will operate within standards
- Protected areas that are required by Metro are included
- Imposed a condition of approval for a signal willing to install and happy to do so

Todd Mobley Lancaster Engineering 321 SW 4<sup>th</sup> Portland, OR

- Process analysis and review has been thorough and well vetted
- TSP amendment for Vradenburg Road which will be an underutilized collector
- Respect of impact to Jackson Hills
- NW corner of site completes the connection to Pioneer Highlands and Jackson Hills street connectivity
- Supplemental memo deals with traffic impacts at Alta Vista in response to testimony that it is used as a

cut through route

- o Travel time runs during school peaks found that Alta Vista is slower in comparison to King Road
- Monner is a collector with volumes of 800 trips per day east and 460 trips per day west
- Low traffic volumes for collector

Council had no questions for Applicant Representatives. A break was taken before returning to Public Testimony.

Testimony in favor of the application:

Brian D'Ambrosio 15048 SE Elk Horn Drive Happy Valley, OR

Mr. D'Ambrosio identified himself as a builder, developer, and real estate broker and made these comments:

- When he first came out here the issues were 3 subdivisions off of SE 117<sup>th</sup> and Sunnyside
- Major testimony with opposition to this growth
- All developments face opposition
- Raised his children on Monner Road
- Areas that the public deems as green space are not they are someone's asset / investment
- He has purchased properties that were in families for 90 years and they have the right to sell
- Involved in Jackson Hills
- There is no difference in saying you cannot sell your house
- Thinks that the general public has a right to live in a house but then they don't want anybody else to have that same opportunity
- Happy about the amount of green space

Gene Grant 11311 SE Charview Court Happy Valley, OR

Mr. Grant introduced himself as the legal counsel to the Boy Scouts of America Cascade Pacific Council, and as a former Mayor and Planning Commissioner for the City. He had these comments:

- Has had involvement in most of the major projects in Happy Valley
- This is the finest that he has seen in the sense of the environment
- Will be a really fine neighborhood
- Went through a careful process to find the right developer who would be responsible, trustworthy, and leave a legacy for the scouts
- 70 acres sold to Metro
- Homes could have been built at the top of the hill but chose to do the right thing and maximize the open space
- Important for the City to live up to the requirements of Metro and 3 units per acre meets those requirements

Matt DeVore 9250 SE Johns Court Happy Valley, OR

Mr. DeVore is the Executive Director of the Boy Scouts:

- Echoes Mayor Grant's comments
- Has lived here for 6 years
- Has been with Boy Scouts for 30 years

- Place where scouts learned to camp
- Camping has become less desirable and more difficult to make it a quality experience
- Delighted at respect for environment
- Holt Homes is working with staff
- This is vital for the future of the Boy Scouts

Katie Dunham North Clackamas Parks and Recreation District 150 Beavercreek Road Oregon City, OR

- Senior Planner for NCPRD
- Here to express pleasure to work with the City and Developer
- NCPRD is responsible for providing parks, trails and natural areas
- Adopted the district Master Plan and Capital Improvement Plan
- Very challenging to secure building land for park and recreation facilities
- Supports working together for parks and trails
- Proactive proposal of open spaces, parks, trails and pedestrian connections
- Connects to Scouter Mountain Nature Park and Scouter Mountain Trail

Testimony that is neutral to the application:

Jeff Kersten 14521 SE Norwood Loop Happy Valley, OR

Mr. Kersten claimed that he is neutral because:

- Over time this area will be developed; this is a plan that will provide the best that we can get in this
  area
- Lifelong scouter
- Realizes there is a lot to be preserved
- Concerned about traffic patterns and too quick of a move over this area
- Studies for the Alta Vista cut through only consider current traffic patterns and not what will be
- Concerned about future impact
- Travelling up Sunnyside Road from I205 to Happy Valley is a chore
- 600 more homes will place an undue burden on Sunnyside Road

Rita Madsen

PO Box 2464

Clackamas, OR 97015

- During her last testimony she was not a resident
- Asked City to consider not annexing
- They could not build their house in 1987 as the City wanted them to do way too much
- At last meeting she was not certain that her wishes would be heard as they were in conflict with the City plan
- Property being considered for development is an American Tree Farm
- This carries rights and responsibilities
- Ms. Madsen is an American Tree Farmer
- Responsibility to take care of the flora and fauna at time of harvest
- This development only maintains trees in common areas
- This development proposes harvest of most of the trees standing
- Wildlife connection of 30' was not there yesterday

- Unbuildable means uninhabitable for animals
- There is a responsibility to consider impact to flora and fauna
- 40% is not habitable

Brian Sheufelt 9588 SE Nicholas Drive Happy Valley, OR

- Eagle Scout
- Love for scouting organization
- Recognizes the need for change
- Glossed over the Nicholas access
- Many changes from first iteration
- Concerns about Nicholas being a primary road in
- Has seen several near accidents due to grade
- Asks that access point be considered in the plan
- Prefers gated access

David Emani 9801 SE Nicolas Drive Happy Valley, OR

- Worried about getting down the hill when it's 30 degrees and raining
- Has observed several near accidents daily
- Mostly from non-residents
- Believes there will ultimately be 1,000 homes through 1 access road
- Would like for Nicholas to be a gated access

Patrick Dellasega 15596 SE Green Hills Court Happy Valley, OR

- Seeking clarification on wildlife corridor
- Exact location of wildlife corridor in reference to lots 25 thru 27
- Per AKS showed revised version of the corridor based upon better connectivity

William McCreary 11988 SE 162<sup>nd</sup> Happy Valley, OR

- Lives at the foot of 162<sup>nd</sup> and Monner
- 3 accidents there where cars have been totaled
- Not enough traffic enforcement
- People continually run the stop sign
- Concerned about extra traffic
- If a road isn't built within several years the traffic will come down Monner and that is dangerous
- Trees are overgrowing the street
- More accidents will happen

Walt Bell 11650 SE 147<sup>th</sup> Happy Valley, OR

- Gave testimony a month ago
- Happy about the signal
- Questions about road ins and outs
- When will signal happen
- Answer: before construction begins

- Timing on connector of Scouters Mountain to 172<sup>nd</sup> is important
- · Specifically concerned about the five ways in and out
- Traffic velocity is crazy
- Difficult to leave Monner Road
- Future of Happy Valley 600 homes; 1000 at Haven Road Golf Course; 300 at Fred Meyer
- More coming for a total of perhaps 2100 homes
- Concerns about volume of traffic
- Concerns about schools

## Testimony opposed to the application:

Renee Carr

11468 SE Norwood Loop

Happy Valley, OR

- Lives directly across from the entrance
- It is a greenspace for deer
- The recent ones that got hit didn't know they would have an open space
- Metro traffic coming out
- Cars come through at 45 mph
- · Asked if Council had explored federal funding and said yes that resulted in this high density housing

Catherine Lazuran

10560 SE Vradenburg Road

Happy Valley, OR

- Has read the submission to the Planning Commission
- Concerned about safety and quality of life
- Fire hazard exists
- Scouters Mountain is at high risk for fire
- Wants easier ingress and egress
- Vradenburg Road is going to be locked
- Residents won't have a key
- This has not been considered adequately
- Accessibility is through circuitous route
- Other roads do not appear on map
- Residents now use Vradenburg Road
- Sunnyside Road has a lot of traffic
- Wildlife will be competing with cars and bikes and pedestrians
- Happy about the signal
- Concerned about quality of life and preservation of habitat
- There will be longer commute times for residents

Laurie Fowlkes

9441 SE Denali Drive

Happy Valley, OR

- 15 months ago it was Pioneer Highlands
- Mayor promised that not one more house would go in until there were roads
- Removing Vradenburg is unbelievable to her
- Exits on Pebble Beach, Jackson Hills and Denali Drive
- One point of entrance
- Miraculous change of road designation
- Asked for a continuance to observe true impact of traffic and planned use of Vradenburg Road

Countless issues please continue

Scott Pendarvis 16581 SE Hagen Road Happy Valley, OR

- Concerned about ability to get home tonight in freezing rain
- Concerned about the transportation plan and urges that the status of Vradenburg Road not be downgraded from collector to neighborhood
- Vradenburg Road is a significant collector that should remain
- Concerned about individual property rights and the risk of eminent domain for his property
- City might not exercise that right but maybe a school district
- Asks that the transportation plan be reconsidered
- Asked that Vradenburg Road be kept open

Sherry Pendarvis 16581 SE Hagen Road Happy Valley, OR

- Proud resident
- Has been in the area for a long time
- Property she owns is used for Pickathon, weddings, private events
- It will be disturbing to have building happening all weekend
- Roads are curvy and crazy but they already exist
- Cannot imagine moving
- Appreciates what the developer has tried to do

Ron Benfield 12610 SE 155<sup>th</sup> Happy Valley, OR

- Concerned about traffic
- Additional trips per day is concerning
- SE Frye at 145<sup>th</sup> has very little visibility
- Quality of life is degrading
- Must show respect for the rights of property owners
- Consider the traffic impact

Daniel Riker 13415 SE Valemont Happy Valley, OR

- Son and daughter live on King Road
- 10-15 minutes to get out of their driveway during busy times
- So many developments that are new
- Concerned about the planning process
- Has received timely responses from Michael Walter and Jason Tuck
- Code requires approval criteria be met which is subjective
- Planning Commission and City Council have the ability to overrule
- You cannot not meet the applicable criteria and still approve the application
- Pristine piece of land in Happy Valley
- Wildlife will have trouble traversing
- Density average is laughable
- Need larger lot sizes
- More review time needed
- Final plans made available just prior to Thanksgiving
- Urges continuance

Annette Talbott 11590 SE 147<sup>th</sup> Happy Valley, OR

- Opposed to current application
- Have submitted two pieces of documentation stating why criteria have not been met
- Requesting a continuance to hear additional testimony
- Lots of new material has come in over holiday weekend
- Requesting that record be left open for 7 days
- Concerned about volume and speed of traffic
- Minor arterial going from an "A" to an "E"
- 556 houses can be built before an alternative access is provided
- Volume is underestimated
- Degradation of minor arterial does not meet goals
- Traffic expert is doing what they need to do for their client
- Proposal remains fundamentally flawed
- Supports keeping Vradenburg Road open
- Metro and City of Portland own a portion of Vradenburg Road
- Vradenburg Road should be improved
- Further volume of traffic really worries her
- There appears to be no plan to finance the Scouters Mountain extension
- Traffic impacts have been underestimated in an area of major growth
- Asks that City work with Metro
- Asks for continuance and that record be left open

Tom Carter

15035 SE Monner Road

Happy Valley, OR

- Concerned about streamside setback as the one adjacent to Chelsea Morning is 50'
- This allows reasonable room for wildlife
- Indicated on the plan that the stream setback will be only 25'
- This is inadequate to meet the minimum required by law
- It is a disservice to the citizens by not insisting on a setback like at other creeks
- Trees have already been marked for cutting and the loggers are ready to go
- A road that runs along the top edge of the scouts development would preserve the stream canopy
- Requesting more adequate stream setback
- Wants animals to pass back and forth freely
- Chair of Planning Commission shamefully stated that she personally disliked but still recommended approval
- Asked Council not to rubber stamp what others have you do
- Send this proposal back for more citizen review and input

Susan Carter

15035 SE Monner Road

Happy Valley, OR

- Has been a resident for 31 years
- Hoped that Scouters Mountain could be acquired by Metro as park land
- Instead being sold to a developer for 600 homes
- Baden Powell must be rolling in his grave
- Metro listed this as a tier 1 natural area
- Mt. Talbert was listed as a tier 2
- Would like land on Scouters Mountain to create a larger contiguous acreage for other butte top parks
- Happy Valley has done some things right marshland in the park and dark sky

- This plan was done under the radar and without public involvement
- Confidence goes down when people aren't included
- Wildlife corridor is a good start but more needs to be done
- Council can make a choice about the legacy they wish to leave
- This development needs to go back to the drawing board
- Do the right thing

Yoshi Hosaka

15960 SE Monner Road

Happy Valley, OR

- Not happy but they have every right to develop
- Obligation of the City to impose certain requirements
- Short sighted
- More development is going on i.e. Fred Meyer
- Safety of Monner Road a concern
- Sunnyside Road is short of a disaster
- Those points are not specific to this application but increases traffic as a whole
- Quality of access will get even worse

James Jordan

10560 SE Vradenburg Road

Happy Valley, OR

- Requests that record be kept open
- Project is going to be built on wildlife habitat area and Mitchell Creek area
- Riparian areas are being protected
- There is connectivity but the City has not required that in that development
- Deer are walking on streets and being struck by cars
- 226,000 accidents causing people to go to the hospital
- Ask the developer to include wildlife corridors
- Public should have been asked at the beginning of the project
- It is the responsibility of the City to have the vision to do what should have been done
- 30' corridor is great but not adequate
- Pipes should be installed under streets for small animals and reptiles
- Map and report are fundamentally flawed
- Even the most elementary research was not done
- Consultant conclusions are baseless
- Explained how wildlife moves
- Wildlife corridor on the street is ridiculous
- Streets repel and kill wildlife
- Map brings into question all the natural resources
- City chose not to have their own specialist
- A condition of approval should be added to install two additional wildlife corridors
- Center wildlife corridor is most important
- Eliminate houses to create bigger corridors

Steve and Jody Caicco

15000 SE Monner Road

Happy Valley, OR

- Have submitted written comments
- Additional comments:
- Expertise as a biologist for U. S. Department of Fish and Wildlife
- Concerned about wetland and riparian wildlife refuge planning
- Concerned about wildlife circulation routes

## **End of Testimony**

## Applicant Rebuttal:

#### Mike Robinson:

- Consulted many people Park District, Fire District, Planning Department, City Engineer, Traffic Engineer, Various Interest
- City sent notices to public agencies such as Metro
- There was a long comment period
- There has not been inadequate notice
- Two Planning Commission hearings in August, 2015
- Not a great deal of new information since then
- Tonight a traffic signal added as a condition of approval
- Signal will be installed in Phase 1
- Signal will include a crosswalk
- 3 Public Hearings
- 2 Notices
- Not legally required to continue
- Never ending series of issues
- Access points there will eventually be 5 but there are 2 now
- Vradenburg Road to north and other emergency points
- 5<sup>th</sup> connection will be to the east
- Timing depends on when Pendarvis develops
- There has never been a TSP plan for Vradenburg Road to go north
- A gate to the road makes a great deal of sense
- Almost 300 acres and a significant amount of open space
- We all live in an urban area
- Deer go past or forage around houses
- Traffic impact analysis each operates at C or better and signal will improve this
- Intersections meet level of service

## Todd Mobley:

- Alta Vista is a neighborhood route capable of 1500 vehicles a day and currently at 760
- Volumes are significantly low and still have adequate capacity
- Impacts to Sunnyside Road are very small and were considered in the TSP
- Larger network operational issues include the connection to Nicholas Drive
- Connectivity is required and should not be bifurcated
- Nicholas Drive is steep which lends credibility to assumption that more traffic would go to Scouters Mountain Road
- Higher volumes of traffic will be seen from Monner Road
- SE 145<sup>th</sup> and 147<sup>th</sup> are minor arterials and have quite low volumes
- Perception that conditions are already quite congested but that is not the case
- Not looking to widen Vradenburg Road as it is not intended to serve as a north south connection
- One witness reminded Council about the requirement for connectivity and with this application they
  are doing exactly as they said they would do relative to Pioneer Highlands

#### Stacy Reed, AKS:

- Wetland biologist
- Wishes to address testimony by Tom and Susan Carter
- Involved in project for 2 years
- Has walked on every piece of property
- Confident assurance that flow regimes are adequate

- WES has signed off on this project
- Has both seasonal and perennial drainage
- 25' buffers may not be adequate but development plan does not have that at all they are all between 50' and 200'
- Wildlife corridors are to protect game trails
- Protecting over 40% of mature trees
- Mitigating for trees that are to be removed

**Christy Galen** 

**Habitat Service** 

9450 SW Commerce Circle

Portland, OR

- Resource Evaluator
- Has worked for cities and Metro doing assessments of wildlife habitat
- Riparian corridors protected for the water, food and cover they provide wildlife
- There are deer but also many more species
- Deer adapt to urban environments
- There will be an awareness for the deer

#### Mike Robinson:

- 3 Points:
- Signal
- o Amenities
- Open Space
- \$4,000,000 will go to Transportation SDCs
- Asked that decision be based on the approval criteria
- Cannot make up how you develop on the spur of the moment
- Has met the burden of proof
- Will continue to answer questions
- Asked that the hearing be closed and that the public record be closed

#### **Staff Comments:**

#### Michael Walter:

• Responded to citizens who live on SE Denali - it is classified as a neighborhood street

#### Todd Mobley:

- Traffic volumes on SE Denali were analyzed along with other streets within Jackson Hills
- This is a neighborhood route
- Buildout at phase 6 volume is within carrying capacity of 1500 vehicles per day

## **Council Clarification and Questions:**

## Councilor Drake:

- Asked if road would be done prior to phase 6
- o Completion of the street happens in phase 6
- Until then all traffic will ingress and egress out of 145<sup>th</sup>
- Indicated emergency vehicle access
- Vradenburg Road will provide use for existing residents
- o Gating will occur since Vradenburg Road cannot handle the traffic
- After development there will be only 2 driveways north of access gate on Vradenburg Road Council President Morrow:
- Asked about the signal that is being proposed and what it would consist of
- o Full traffic control signal

- o Protected pedestrian crossing
- Traffic signal for all vehicle movements
- Asked about Scott Pendarvis' testimony concerning eminent domain
- Per Jason Tuck, that is a scenario that could happen
- Doubts that traffic being generated would be sufficient to warrant a new road
- The legal authority exists

#### Jason Tuck:

- Some did not believe that the City explored all the options of Vradenburg Road with other jurisdictions
- Staff can do more exploring if that is Council's direction
- Portland does not have the northern portion of Vradenburg Road on their plan
- There were no specific comments from Metro to enter into the record
- A coordination of efforts took place between staff and Metro
- Metro will not support going into an open space to improve a road as it would impact environmentally constrained land

#### Mike Robinson:

- City notified Metro of the application and Metro has not commented or participated
- City coordinated with Clackamas County so there was another hearing
- No one has commented

#### Chris Goodell:

There have been two meetings with Metro where they requested a pedestrian trail

#### Councilor Ellis:

- Asked about the different setbacks that the applicant has requested
- This is a Planned Unit Development
- Lots are smaller with the offset being open space
- Asked about street ratings and construction of turn lanes
- Curb to curb issues and questions
- Discussed trip generation
- Concern about wait times at intersections specifically in Jackson Hills
- o Answer is an arterial intersection and traffic volumes will be lower
- Has been involved in 50 75% of the subdivisions and has not seen one with one exit

No further questions or clarification.

#### Mayor DeRemer:

- Has heard a lot of information tonight
- Not going to make decision tonight
- Decision will be made as to whether or not to allow additional testimony
- Testimony tonight had duplication
- Not sure that any new information will be derived from further testimony
- Suggests closing the Public Testimony portion of the hearing and come back to a date certain with deliberation
- Councilor Sherman concurs
- Councilor Drake concurs
- Discussed whether or not to accept comments for the next few days
- Councilor Morrow would like to hold the record open for 7 days
- Councilor Ellis will not oppose holding the record open
- Councilor Sherman agreed with consensus to hold the record open

It was the consensus of Council to hold the record open for 7 days and to all the applicant an additional

7 days for final summation. This period will end on December 15, 2015. The Public Hearing will return to Council on a date certain of February 2, 2016 for a final decision. (Requested by Steve Koper, Planning)

RESULT: CONTINUED [UNANIMOUS] Next: 2/2/2016 7:00 PM

**AYES:** DeRemer, Morrow, Drake, Sherman, Ellis

2. Ordinance 484 - Volunteer Committee Appointments

Mayor DeRemer read the hearing script into the record.

There were no questions by Council. (Requested by Jason Tuck, Administration)

RESULT: APPROVED [UNANIMOUS]
MOVER: Markley Drake, Councilor
SECONDER: Brett Sherman, Councilor

AYES: DeRemer, Morrow, Drake, Sherman, Ellis

## VI. CITY MANAGER REPORT

City Manager Report given by Mr. Jason Tuck during the Work SEssion.

## VII. COUNCIL CONCERNS AND COMMENTS

Council Concerns and Comments discussed during the Work Session.

## **VIII. ADJOURNMENT**